



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

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12/18/00
EPA Region 5 Records Ctr.



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DEC 18 2000

REPLY TO THE ATTENTION OF:

SE-5J

Mr. Carmen Iacullo, Deputy Commissioner
City of Chicago
Department of Transportation
30 North LaSalle Street, Suite 1101
Chicago, Illinois 60602

RE: Designated Moratorium Right-of-Ways in the Streeterville
Area, Emergency Procedures

Dear Mr. Iacullo:

The purpose of this letter is to 1), compare notes on the right-of-way street addresses subject to the permit moratorium; 2), improve procedures for emergency work in designated right-of-ways; and 3), add North Water Street by DuSable Park as a designated street. First, a map dated November 15, 2000 is enclosed that shows the designated right-of-ways subject to the permit moratorium. This map was developed with Ms. Peggy Shilney, who provided the street numbers appearing subject to the moratorium in the DOT permit database. The only recent addition that is not shown on this map is North Water Street, which we just discovered on December 7, 2000.

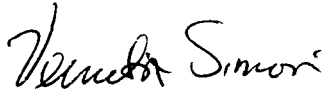
Next, I would like to propose improvements to the emergency procedures in designated rights-of-ways subject to the permit moratorium. As you know, the Right-Of-Way Agreement dated September 27, 1999 that was entered among the City, Kerr-McGee L.L.C. and River East L.L.C. contains emergency access procedures in paragraph 10 b. at page five pertaining to impacted right-of-ways. Impacted right-of-ways are where sampling or surveillance has shown thorium to be present. This paragraph requires that the BOU, Department of Buildings and Chicago Fire Department be notified of the thorium in the impacted rights of way and that the BOU will provide this information to all utilities in the area. I recommend that this procedure be broadened to include notice to the various departments and utilities of designated right-of-ways to avoid uncontrolled exposures and dispersal. As you know from the Right-of-Way Agreement, designated areas are right-of-ways that must be surveyed for radioactive contamination when any intrusive work is performed.

About two weeks ago, we had the opportunity to follow-up on permit #83390507, which was issued to Mr. James LoVerde of the City Water Department for intrusive hydrant work in the designated right-of-way located 490 North St. Clair. Although a

permit was obtained, contrary to the Right-of-Way Agreement, the work was commenced without radiation surveillance. Fortunately, U.S. EPA determined that the soils were not contaminated, but the incident raised the issue of how work in designated moratorium streets will proceed when an emergency happens. I suggest adding the designated moratorium street addresses to the City Atlas and also notifying the Digger Hotline of the designated moratorium street addresses.

We welcome your suggestions, comments and a written reply as to how the radiation surveillance requirement can be effectively relayed to individuals doing emergency intrusive work in the designated right-of-ways, especially after regular work hours. Of course, if our map differs from your permit database or if you have any questions, please contact me at (312) 886-3601, or Fred Micke, On-Scene Coordinator, at (312) 886-5123, or Larry Jensen, Health Physicist, at (312) 886-5026. Please direct any legal questions to Mary Fulghum, Associate Regional Counsel, at (312) 886-4683.

Sincerely,



Verneta Simon
On-Scene Coordinator

Enclosure

cc: Naren Prasad, City of Chicago Department of Environment,
w/enclosure
Dan White, Kerr-McGee, w/enclosure
Kevin Augustyn, River East, w/enclosure
Richard Berggreen, STS Consultants, Ltd., w/enclosure
Commissioner Richard Rice, City of Chicago Department of
Water, w/enclosure
James LoVerde, City of Chicago, Department of Water,
w/enclosure
Mort Ames, City of Chicago, Department of Law, w/enclosure

bcc: Mary Fulghum C-14J, w/o enclosure
Larry Jensen, SE-5J, w/o enclosure
Derrick Kimbrough, SE-5J, w/o enclosure
Cathleen Martwick, C-14J, w/o enclosure
Fred Micke, SE-5J, w/o enclosure
Linda Nachowicz, SE-5J, w/o enclosure
Debbie Regel, SE-5J, w/o enclosure